

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

WACHOVIA BANK, NATIONAL	)	
ASSOCIATION, successor by merger to	)	
SouthTrust Bank,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:07-CV-00993-MHT-WC
	)	
CABANA WEST, L.P., MILES E. HILL, JR.,	)	
and RUDOLPH H. BEAVER,	)	
	)	
Defendants.	)	

**RULES 26 INITIAL DISCLOSURES**

COMES NOW Rudolph H. Beaver, one of the named Defendants in the above-described cause, and in compliance with Rule 26(a)(1) and the Planning Report of the Parties, sets forth and provides as follows:

A. Those individuals likely to have discoverable information are identified as follows:

Rudolph H. Beaver  
c/o Lee R. Benton, Esq.  
2019 Third Avenue North  
Birmingham, AL 35203  
(205) 278-8000

Miles E. Hill, Jr.  
c/o William J. Sheppard  
Morris, Manning & Martin, LLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, NE  
Atlanta, GA 30326  
404/233-7000

Andy Raines (Wachovia Bank)  
c/o Jason D. Woodard

Burr & Forman, LLP  
420 North 20<sup>th</sup> Street  
Suite 3400 - Wachovia Tower  
Birmingham, Alabama 35203  
205/251-3000

Maynard Brothers (Wachovia Bank)  
c/o Jason D. Woodard  
Burr & Forman, LLP  
420 North 20<sup>th</sup> Street  
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205/251-3000

Lloyd Miller (Wachovia Bank - Construction Inspector)  
c/o Jason D. Woodard  
Burr & Forman, LLP  
420 North 20<sup>th</sup> Street  
Suite 3400 - Wachovia Tower  
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205/251-3000

Jack McConnahey  
256/878-2408

Ralph Fullerton (Olympia Construction Company)  
256/878-6054

Corky Carter (Cabana West, LP)  
c/o William J. Sheppard  
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Colin Carter  
c/o Charter Construction  
334/663-6846 (cell)

Representatives of Coursey & Associates - Architects  
770/432-2727

Bill Baringer and/or Glen Baringer  
c/o Charter Construction  
334/319-3082

Larry Miller  
c/o Sunbelt Management Company  
P.O. Box 2409  
Albertville, AL 35950  
256/878-2408

B. Supplied contemporaneously herewith and Bates stamped Beaver00001 through Beaver00660 are the following documents, herein categorized as follows:

- (1) original construction loan documents and amendments;
- (2) proposed restructuring of loan agreements;
- (3) accounting of site superintendent payroll and expenses;
- (4) organizational documents;
- (5) copies of certain checks paid to subcontractors by Wachovia; and
- (6) draw 15 with accompanying attachments.

C. To the extent damages can be calculated at this point in time, it is believed that draw 15 equaled \$1,249,648; draw 16 totaled \$1,553,079.97; draw 17 totaled \$1,990,027.53; and draw 18 totaled \$1,260,638.11 for a total draw requests paid without authorization of \$6,053,393.61. Other compensatory, consequential and incidental damages will be identified as specifics become known.

D. No insurance is applicable.

/s/Lee R. Benton

Lee R. Benton

ASB: 8421-E63L

**Attorney for Rudolph H. Beaver**

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing pleading by electronic transmission or by first class mail to the following on this the 10<sup>th</sup> day of March, 2008:

Jason D. Woodard  
Jennifer A. Harris  
Burr & Forman, LLP  
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/s/Lee R. Benton  
Of Counsel